

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Nasir Johnson

v.

Case No. 1:23-cv-00169-SE

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Endorsed Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated May 30, 2023. For the reasons explained therein, I dismiss this case, without prejudice, as the petitioner has not paid the filing fee in this matter or filed a motion to obtain in forma pauperis status. See 28 U.S.C. §§ 1914(a), 1915(a); Rules 1(b) & 3(a) of the Rules Governing § 2254 Cases. “[O]nly those issues fairly raised by the objections to the magistrate’s report are subject to review in the district court and those not preserved by such objection are precluded on appeal.” Sch. Union No. 37 v. United Nat’l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quotation omitted); see United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate’s report will waive the right to appeal).

The pending motion for summary judgment is denied without prejudice. Petitioner’s action is dismissed, without prejudice, in its entirety. The clerk is directed to enter judgment and close this case.

SO ORDERED.



Samantha D. Elliott
United States District Judge

Date: June 22, 2023

cc: Nasir Johnson, pro se
Seth Aframe, AUSA